

# STATE OF INDIANA



INDIANA UTILITY REGULATORY COMMISSION  
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## FILED

JUN 10 2005

INDIANA UTILITY  
REGULATORY COMMISSION

CAUSE NO. 42854

IN THE MATTER OF THE PETITION OF THE )  
CITY OF MISHAWAKA, INDIANA, BY ITS )  
MUNICIPALLY OWNED ELECTRIC UTILITY )  
FOR A CHANGE IN ITS ASSIGNED SERVICE )  
AREA BOUNDARIES ON U.S.G.S. FACET O-2-1 )  
TO INCORPORATE AN ANNEXED AREA )  
PURSUANT TO IC 8-1-2.3-6(1) AND FOR )  
APPROVAL OF A CONSENT TO ALLOW )  
ANOTHER ELECTRIC UTILITY TO SERVE A )  
CUSTOMER WITHIN ITS ASSIGNED SERVICE )  
AREA BOUNDARIES ON A TEMPORARY )  
BASIS PURSUANT TO IC 8-1-2.3-4(a). )  
RESPONDENT: INDIANA MICHIGAN POWER )  
COMPANY )

You are hereby notified that on this date the Presiding Officer in this Cause makes the following Entry:

On May 9, 2005, the municipally owned electric utility of the City of Mishawaka, Indiana ("Petitioner") filed its Verified Petition with the Indiana Utility Regulatory Commission ("Commission") seeking, as provided in Indiana Code 8-1-2.3-6(1), to change its assigned service area boundaries to include an annexed area that is currently within the service area assigned to Indiana Michigan Power Company ("Respondent"). On June 8, 2005, Petitioner filed a *Motion to Amend Petition and Caption* ("Motion") in this Cause. Insofar as it has now been determined that an electric customer resides within the service area at issue, the Motion seeks to amend the Verified Petition to reflect that Petitioner will be required to make certain payments to Respondent pursuant to Indiana Code 8-1-2.3-6(1)(B). In addition, and assuming the Commission approves the relief sought under Indiana Code 8-1-2.3-6(1), the Motion seeks Commission approval, pursuant to Indiana Code 8-1-2.3-4(a), of Petitioner's consent for Respondent to continue to provide electric service to the residential customer until such time as this residential service is discontinued to allow for commercial development of the annexed area. Finally, the Motion requests that the caption be changed to accurately reflect all of the relief sought in this proceeding.

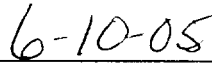
The request to amend the Verified Petition to include information that a customer of Respondent resides within the annexed area, and the resulting applicability of the payment requirements found at Indiana Code 8-1-2.3-6(1)(B), is granted. In addition, the caption of this

Cause is hereby amended, as set forth in the caption of this Entry, to include the additional request, made pursuant to Indiana Code 8-1-2.3-4(a), that Respondent be allowed to temporarily provide certain service within Petitioner's assigned service area.

Based on the language of Indiana Code 8-1-2.3-6(1), the Commission typically does not conduct evidentiary hearings on petitions filed under this statute.<sup>1</sup> However, there is no such language associated with the provisions of Indiana Code 8-1-2.3-4(a). Accordingly, an evidentiary hearing will be conducted in this Cause on July 20, 2005, at 9:30 a.m. EST in Room E306 of the Indiana Government Center South, Indianapolis, Indiana.

**IT IS SO ORDERED.**

  
\_\_\_\_\_  
William G. Divine, Administrative Law Judge

  
\_\_\_\_\_  
Date

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<sup>1</sup> Indiana Code 8-1-2.3-6(1)(A) provides: "After the filing of a petition under this subdivision, the commission shall promptly enter an order changing the assigned service area facet maps of the municipally owned electric utility and incumbent electricity suppliers to include the annexed area within the assigned service area of the municipally owned electric utility and giving the right to serve and immediate possession to the municipally owned electric utility."